REMARKS

Claims 1 to 13 are pending. Claims 1, 2, 4, 6, 10, and 11 have been amended, claim 8 canceled and new claims 14 - 18 added. Basis for the amendments for claims 1 and 10 is found, inter alia, in the specification at page 1, lines 13-19, page 4, lines 29 – 32, page 5, lines 4-7, page 8, lines 10-14, page 8, line 29-page 9, line 15, page 12, line 15 - page 13, line 14, page 17, lines 6-9, page 19, lines 4-28, and page 22, lines 5-7, and in Figures 3, 5, and 6. Basis for new claim 14 is in figures 6 and 7 which show a tapered filter body; basis for new claim 15 is at specification page 14, lines 17-21 and figures 3 and 6; and basis for new claims 16 – 18 is at specification page 7, lines 21-25, page 13, lines 17 – 18, page 14, line 10 and figures 5-6. A replacement sheet for Figure 5 is enclosed in which reference number 120 (filler opening) has been corrected to 12D for consistency with the specification (see e.g., page 13, line 17). Entry of these amendments and reconsideration of the application are requested.

The Examiner granted an interview which was held on January 9, 2008 in the U.S. Patent and Trademark Office. The claim amendments and the substantive portions of the Office Action were discussed. The remarks which follow reflect the discussion in the interview and are intended to fulfill the requirement for a written statement.

Claims 1-10 have been rejected under 35 USC § 102(b) as anticipated by Lutz U.S. Pub 20020148763. This rejection has been avoided in part by the claim amendments and is traversed to the extent it has not been avoided.

There are significant differences between the amended claims and the reference. Lutz does not disclose the following features now in the claims:

1. Claims 1 and 10: i) a filter tubular body that permits filling a reservoir with filtered liquid to produce a supply of filtered liquid in the reservoir; ii) filter sufficiently flexible to allow it to collapse if the container or reservoir collapses;
2. Claim 6: a cage sufficiently flexible to allow the filter to collapse if the reservoir collapses;
3. Claim 7: a cage comprising a plurality of legs extending from the support collar to a base member at the closed end of the tubular filter body;
4. Claim 10: a supply assembly connectable to a spray gun;
5. Claim 14: a tubular filter body that is tapered toward the closed end;
6. Claim 15: a tubular filter body oriented at an angle that is not parallel to the reservoir side wall;

7. Claim 16: a filler opening that is offset from the axis of the reservoir;
8. Claim 17: a filler opening that is not the open end of the reservoir itself; and
9. Claim 18: a filler opening having a diameter of no more than half the diameter of the reservoir lid.

Lutz's screen media 188 does not exist in a tubular form separate from his frame 68 which gives shape to his wedge wire device, see paragraphs [0087], [0128]-[0134] and [0177]. The cited passages together with the figures (especially Fig. 16) show that Lutz assembles his screen cylinder by inserting a screen into his frame and maneuvering the screen until it is engaged within the structure (see [0130], [0131] and [0177]). Lutz's screen preferably is made in panels 176 and 178 which are formed into tube shape as they are inserted into the frame [0130]. On the other hand, the filter of rejected claim 1 does not require such a frame, although a cage is an element of some claims (e.g., claims 6 and 7).

With regard to difference 1i) above, at office action page 4, the Examiner referred to MPEP 2111.02 to support a contention that, although the statement of intended use (supplying filtered liquid to a spraying apparatus) in the claims is not disclosed in Lutz, no structural difference was discerned by the Examiner between the prior art and the claimed invention, because Lutz's device is capable of supplying filtered fluid to a spraying apparatus. Claims 1 and 10 state that the filter permits filling the reservoir with liquid that is filtered on being added to the reservoir to produce a supply of filtered liquid within the reservoir for supply to the spray gun. In Lutz, stock flows into the interior of chamber 80 inside screen cylinder 64, through screening passages in the screen media to an exterior chamber between screen cylinder 64 and housing 62 where it exits the apparatus through outlet 70 as filtrate [0086]. The only place within Lutz's housing 62 that contains filtered liquid is a relatively small space between screen cylinder 64 and housing 62. Most of the volume within housing 62 contains unfiltered stock. On the other hand, most of the volume of the reservoir in the present claims contains filtered liquid (e.g., paint). The whole purpose of the present invention is to provide filtered liquid within the reservoir to feed a spray apparatus.

The collapsability of the filter and the container or reservoir were discussed during the interview as functional features of the amended claims not possessed by the cited reference. Neither Lutz's apparatus nor his screen cylinder is collapsable in use.

Office Action page 3, paragraph 5 states that Lutz teaches a cage to allow the filter to collapse if the reservoir collapses, referring to [0124]. This assertion by the Examiner is specifically traversed.

Lutz paragraph [0124] teaches how his flow windows are cut in frame 68. There is no disclosure in Lutz of a cage or a filter that is capable of collapsing if the reservoir containing the filter collapses, as required by the amended claims.

Relative to the issue of collapsability, the last two paragraphs of office action page 4 say that no structural difference was discerned between Lutz and the claimed invention, i.e., Lutz relates to a cylindrical filtering assembly using a replacable screen media supported by a resilient sheet of cylindrical frame. Resilient is a relative term; however, one of the concepts taught in Lutz is the prevention of screen media 66 from flexing by means of a structure that supports the screen media (see [0128], [0140] and [0149]). Lutz is aimed at alleviating problems in prior art screen cylinders used in the pulp and paper art, one of which was undesired deflection and stressing of the screen ([0005] and [0094]). Advantages Lutz gives for his invention are a more uniform gap 116 between rotor foil 118 and the screen and a true frame [0097]. The equipment Lutz describes (e.g., housing 62) is for use in paper mills and is not intended to collapse in use. Lutz's apparatus contains a rotor 76 that rotates within the cylindrical screen (see [0005], [0085], [0095], [0138], and Figs. 1 and 17). Given these teachings and the fact that it would be unlikely for Lutz's screen cylinder to collapse with a rotor inside of it, the contention of lack of structural difference is not fairly based.

Regarding difference 3 above, Office Action page 3, fourth paragraph, states that Lutz teaches a cage comprising a plurality of legs extending from the open end of a support collar to the base of the closed end of the tubular filter body, refering to Lutz Fig. 2, item 88. This assertion is traversed. The legs of rejected claim 7 are supporting parts of the cage which resemble legs. Items 88 of Lutz are integral parts of frame 68 (see Fig. 3 and [0088]-[0089]). That frame is made from a tube ([0091] from which windows 84 are cut. Braces 88 are just part of the tube that remains after the cutting, and they do not resemble legs at all. Lutz's frame made from a tube does not anticipate applicant's cage comprising a plurality of legs.

As to difference 4 above, Claims 1 and 10 have been amended to clarify that the reservoir or container of those claims is capable of being mounted on a hand held spray gun. Lutz's housing 62 is not capable of being mounted on a hand held spray apparatus. Although functional, this limitation in the rejected claims helps define the structure of the claimed article over the prior art. Connecting the reservoir or container to a spray gun is explained at specification page 13, line 24 – page 15, line 25, with reference to Figures 1, 2 and 5. The liquid supply assembly of amended claim 10 and the

reservoir in which the filter of claim 1 is used are installed on a hand held spray apparatus typically used in auto body shops for painting vehicles. Paint is poured into the container or reservoir through opening 12D, and (after the filler opening is closed and the spray apparatus attached to supply opening 12E) the container is inverted (i.e., on top of the spray apparatus) and paint flows out opening 12E into the spray apparatus.

Lutz's apparatus does not have this functionality. Referring to Lutz Fig. 1 and paragraph [0086], his stock is introduced through an inlet (not shown) inside screen cylinder 64. The stock slurry flows through screen media 66 to an exterior chamber, and filtered stock exits through outlet 70 (on the side of housing 62). There was some discussion about size during the interview and the fact that a skilled person could make Lutz's apparatus in any size. Even a small version of Lutz's apparatus could not be mounted on a hand-held spray gun, one reason being that outlet 70 is in a position making it almost impossible to attach to a spray gun, even if it had proper connection means. Therefore, the functional feature of a supply assembly or reservoir connectable to a spray gun is a valid difference separating the amended claims from Lutz.

Differences 5 – 9 are in newly added claims and are novel over Lutz. Since the claim features discussed above are not found in Lutz, the reference does not anticipate the amended claims.

The objection to claims 11 – 13 (as being dependent upon a rejected base claim) has been avoided by the amendment to claim 11 in which it has been changed to independent form.

In view of the above, it is submitted that claims 1 – 18, as amended, are in condition for allowance. Withdrawal of the rejection under 35 USC 102(b) is requested, and a notification of allowability is repectfully solicited. If any questions or issues remain, the resolution of which the Examiner feels would be advanced by a conference with applicant's attorney, she is invited to contact such attorney at the telephone number noted below.

Respectfully submitted,

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Date

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